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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,093

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EXAMINER

MONTOYA, OSCHTA I

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/729,093	ESTEVEZ ET AL.	
	Examiner	Art Unit	
	Oschta Montoya	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-13, 15, and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Zahorjan et al., US 7,111,316.

Regarding claim 1. an access point apparatus, comprising:
a data network interface for obtaining video files from a data network (figure 1, Col. 5, lines 64-67, Col. 6, lines 1-4);
a file storage medium coupled to said data network interface for storing said video files (Col. 6, lines 5-14); and
a wireless communication interface coupled to said file storage medium for transmitting said video files to video clients via a wireless communication link (figure 1, Col. 5, lines 64-67, Col. 6, lines 1-4).

Regarding claim 6, Zahorjan discloses a method for wireless transmission of video data to wireless communication devices, comprising:

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wirelessly transmitting to a first wireless communication device a first stream of data from a video file (line 25-figure 4a, Col. 5, lines 64-67, Col. 6, lines 1-4, 50-54);

during said transmitting step, receiving from a second wireless communication device a request for said video file (Col. 6, lines 59-64);

in response to said request, wirelessly transmitting to the second wireless communication device a second stream of data from said video file (line 28-figure 4a, Col. 6, lines 59-64); and

after said last-mentioned transmitting step, wirelessly transmitting to both the first and second wireless communication devices a common stream of data from said video file (figure 4a, abstract, Col. 7, lines 17-24).

Regarding claim 7, Zahorjan discloses the method of claim 6, wherein said step of wirelessly transmitting said second stream of data includes wirelessly transmitting said second stream of data at a higher transmission rate than said first stream of data (slope of line 28-figure 4a, Col. 6, lines 66-67, Col. 7, lines 1-2).

Regarding claim 8, Zahorjan discloses the method of claim 7, wherein said step of wirelessly transmitting said second stream of data includes wirelessly transmitting said second stream of data at a higher transmission rate than said common stream of data (figure 4a, Col. 6, lines 66-67, Col. 7, lines 1-2).

Regarding claim 9, Zahorjan discloses the method of claim 8, wherein said steps of wirelessly transmitting said first and common streams of data include wirelessly transmitting said first stream of data and said common stream of data at a mutually common transmission rate (slope of stream 25-figure 4a).

Regarding claim 10, Zahorjan discloses the method of claim 7, including commencing said step of wirelessly transmitting said common stream of data in response to a determination that said second stream of data has reached a same data position in said video file as said first stream of data (see data position axis where streams 25 and 28 intercept each other-figure 4a).

Regarding claim 11, Zahorjan discloses the method of claim 10, including ending said first stream of data upon commencement of said step of wirelessly transmitting said second stream of data (Col. 7, lines 44-52).

Regarding claim 12, Zahorjan discloses the method of claim 6, including performing said step of wirelessly transmitting said common stream of data in response to a predetermined condition (predetermine condition when both stream of data are at the same data position, figure 4a)

Regarding claim 13, Zahorjan discloses the method of claim 12, wherein a portion of said video file has already been transmitted in said first stream of data when said request is received (stream 25 is been transmitted when second

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request occurs at t1, figure 4a), and wherein said predetermined condition is that said portion of said video file is less than a predetermined fraction of said video file (after 25 and 28 intercept each other, 25 continues to be transmitted; therefore the interception occurs at a fraction of stream 25, figure 4a).

Regarding claim 15, Zahorjan discloses the method of claim 12, including performing said first-mentioned transmitting step in response to receipt of a further request for said video file from the first wireless communication device (stream 25 is been transmitted when second request occurs at t1, figure 4a), and wherein said predetermined condition is that said request is received less than a predetermined amount of time after receipt of said further request (after 25 and 28 intercept each other, 25 continues to be transmitted; therefore the interception occurs after second request and before the end of stream 25, figure 4a).

Regarding claim 17, Zahorjan discloses the method of claim 6, including commencing said step of wirelessly transmitting said common stream of data in response to a determination that said second stream of data has reached a same data position in said video file as said first stream of data (see data position axis where streams 25 and 28 intercept each other-figure 4a).

Regarding claim 18, Zahorjan discloses the method of claim 17, including ending said first stream of data upon commencement of said step of wirelessly transmitting said second stream of data (Col. 7, lines 44-52).

Regarding claim 19, Zahorjan discloses a wireless communication apparatus, comprising:

a wireless communication interface for permitting wireless communication with wireless communication devices (figure 1, Col. 5, lines 64-67, Col. 6, lines 1-4);

a video stream source having an output coupled to said wireless communication interface for providing to said wireless communication interface streams of data from a video file (56-figure 1), said wireless communication interface cooperable with said video stream source for wirelessly transmitting to a first wireless communication device a first stream of data from said video file (Col. 6, lines 5-14, lines 50-54);

said video stream source having an input coupled to said wireless communication interface for receiving from a second wireless communication device, during said wireless transmission of said first stream of data, a request for said video file, said video stream source and said wireless communication interface cooperable in response to said request for wirelessly transmitting to the second wireless communication device a second stream of data from said video file (Col. 6, lines 59-64); and

said video stream source cooperable with said wireless communication interface, after transmission of said second stream of data to the second wireless communication device, for wirelessly transmitting to both the first and second wireless communication devices a common stream of data from said

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video file (figure 4a, abstract, Col. 7, lines 17-24).

Regarding claim 20, Zahorjan discloses the apparatus of claim 19, including a data network interface for obtaining said video file from a data network, said video stream source coupled to said data network interface (Col. 5, lines 64-67, Col. 6, lines 1-14).

Regarding claim 21, the apparatus of claim 20, wherein said video stream source includes a file storage medium for storing said video file (50-figure 1, Col. 6, lines 5-8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahorjan et al. in view of Allegrezza et al., US 20040103437.

Regarding claim 2, Zahorjan discloses the apparatus of claim 1.

Zahorjan fails to teach wherein said video files are selected by a service provider for storage in said storage medium.

In an analogous art, Allegrezza teaches wherein said video files are selected by a service provider for storage in said storage medium (paragraph 26).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Zahorjan's apparatus to include the selection of the files to be stored to be done by the service provider, as taught by Allegrezza. The motivation would have been to have the more popular videos closer to the user, in order to better manage the bandwidth usage.

Regarding claim 3, Zahorjan teaches the apparatus of claim 1.

Zahorjan fails to teach wherein said video files are selected for storage in said storage medium based on client requests for said video files.

Allegrezza teaches wherein said video files are selected for storage in said storage medium based on client requests for said video files (paragraph 22).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Zahorjan's apparatus to include the selection of the files to be store to be done by user request, as taught by Allegrezza. The motivation would have been to have the more popular videos closer to the user, in order to better manage the bandwidth usage.

Regarding claim 4, Zahorjan and Allegrezza disclose the apparatus of claim 3. Allegrezza further discloses wherein said video files stored in said file

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storage medium are requested by clients more frequently than other video files available in the data network (paragraph 22).

5. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahorjan et al., in view Dawson et al., US 7,093,274.

Regarding claim 5, Zahorjan discloses the apparatus of claim 1.

Zahorjan fails to teach provided as an access point server for a WLAN.

In an analogous art, teaches provided as an access point server for a WLAN (Col. 3, lines 62-67, Col. 4, lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Zahorjan's apparatus to include as an access point server for a WLAN, as taught by Dawson. The motivation would have been to have access to access to a wireless network, for the benefit of not having connection wires.

Claim 22 is rejected on the grounds as claim 5.

6. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahorjan et al., in view of Hodge, US 6,938,268.

Regarding claim 14, Zahorjan discloses the method of claim 13.

Although, Zahorjan teaches that the interception occurs at a fraction of the first stream (figure 4a). Zahorjan fails to teach wherein said predetermined fraction is 80%.

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In an analogous art, Hodge teaches that the common stream of data can be transmitted at any time after 10 seconds (10 seconds or more includes 80% of the stream, Col. 5, lines 29-33).

Therefore, it would have been obvious to one of ordinary skill in the art to Modify Zahorjan's method to include allowing the transmission of the common stream at a predetermine fraction on the stream, as taught by Hodge. The motivation would have been to be able to merge to clients together, in order to save bandwidth.

Regarding claim 16, Zahorjan discloses the method of claim 15.

Although, Zahorjan teaches that the interception occurs at a fraction of the time of the first stream (figure 4a). Zahorjan fails to teach wherein said amount of time is 1.5 hours.

In an analogous art, Hodge teaches that the common stream of data can be transmitted at any time after 10 seconds (10 seconds or more includes 1.5 hours of the stream, Col. 5, lines 29-33).

Therefore, it would have been obvious to one of ordinary skill in the art to Modify Zahorjan's method to include allowing the transmission of the common stream at a predetermine time on the stream, as taught by Hodge. The motivation would have been to be able to merge to clients together, in order to save bandwidth.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oshta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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